

OFFICE OF
INSURANCE COMMISSIONER

IN THE MATTER OF)	NO. D06-81
)	
MBIA INSURANCE CORPORATION)	CONSENT ORDER IMPOSING
)	A FINE AND REINSTATING
An Authorized Insurer)	CERTIFICATE OF AUTHORITY
)	

FINDINGS OF FACT

1. MBIA Insurance Corporation ("MBIA" hereafter) is an out-of-state insurer that had been authorized to transact insurance in Washington pursuant to Certificate of Authority No. 951.

2. By Order Revoking Certificate of Authority No. 951, Order No. G 2006-01, entered January 18, 2006, MBIA's Washington Certificate of Authority was revoked as a result of MBIA's failure to file with the Washington Office of Insurance Commissioner MBIA's audited financial statement for the year ended December 31, 2004, which statement was due on or before June 1, 2005.

3. As a result of issues identified and subsequently resolved during a scheduled examination by its state of domicile (New York), on October 31, 2005, the State of New York Department of Insurance granted an extension for filing the audited financial statement until November 30, 2005. Prior to that date, there was no extension granted by New York and the OIC records do not reflect the company filing this extension with the OIC.

4. Following entry of Order No. G 2006-01, on January 23, 2006 MBIA, filed the missing audited financial statement for the year ended December 31, 2004.

CONCLUSIONS OF LAW

1. MBIA's failure to timely file its audited financial statement for the year ended December 31, 2004 violated WAC 284-07-120.

CONSENT TO ORDER

MBIA wishes to obtain reinstatement of its Washington Certificate of Authority and wishes resolve this matter without further administrative or judicial proceedings.

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501

CONSENT ORDER 1



MBIA understands that this Consent Order is intended to resolve only the issue of penalties for MBIA's late filing of its audited financial statement for the year ended December 31, 2004, and that the matter of fines, penalties or sanctions for any other late Washington filings by MBIA will be dealt with separately and in addition to the fine imposed by this Order. MBIA hereby consents to entry of the foregoing Findings of Fact and Conclusions of Law and to the entry of this Order and acknowledges its duty to comply fully with the applicable laws of the State of Washington.

By agreement of the parties, the OIC will impose a fine of \$10,000 upon MBIA.

By agreement of the parties, the OIC will reinstate MBIA's Washington Certificate of Authority effective January 23, 2006.

Pursuant to RCW 48.05.185 and RCW 48.110.130, failure to pay the fine timely shall constitute grounds for the revocation or denial of MBIA's Certificate of Authority and for the recovery of the fine in a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

EXECUTED and AGREED this 23rd day of February, 2006.

MBIA Insurance Corporation

Signed Name: Thomas W. Devine

Printed Name: Thomas W. Devine

Printed Title: Vice President - Insurance Reporting

ORDER:

NOW, THEREFORE, IT IS HEREBY ORDERED as follow:

1. Pursuant to RCW 48.05.185, the Insurance Commissioner hereby imposes a fine of Ten Thousand Dollars (\$10,000) upon MBIA Insurance Corporation. The fine must be paid in full within thirty days of the entry of this order in Tumwater, Washington.
2. MBIA's Certificate of Authority, Certificate No. 951, is hereby reinstated effective January 23, 2006, and Order Revoking Certificate of Authority No. 951, Order No. G 2006-01, entered January 18, 2006, is hereby modified accordingly.
3. Failure to pay the fine timely shall constitute grounds for the revocation of the insurer's certificate of authority and for the recovery of the fine in a civil action

brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

ENTERED AT TUMWATER, WASHINGTON on this 3rd day of ^{March}~~February~~, 2006.

Mike Kreidler
Insurance Commissioner

By: Charles D. Brown
Charles D. Brown
Staff Attorney, Legal Affairs